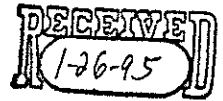


8/19/94
Mikey Lawler
Eticam
2097 Newlands Drive East
Fernley, Nevada 89408

DRAFT



Re: Eticam Metal Sludge "Product"

Dear Mr. Lawler:

The NDEP letter dated June 17, 1994 directed Eticam to submit a variance request under NAC 444.8632, 40 CFR 260.30(c) and 260.31(c) for all the sludge shipped from Eticam to a smelter. The variance request submitted by Eticam on August 8, 1994, did not provide the information outlined in the NDEP letter. NDEP believes this information is relevant and necessary for making a decision on the variance request. Attached is a list of information that must be provided, as previously requested. Failure to submit this information will result in a denial of the variance request and a determination by NDEP that the material must be handled as hazardous waste. The information is due September , 1994.

If you have any questions, please call Nancy Alvarez.

Sincerely,

Jeffrey C. Denison
Supervisor
RCRA Facility Branch
Bureau of Waste Management

cc/enc: Jolaine Johnson, NDEP
Nancy Alvarez, NDEP
Tony Terrell, EPA
Tim Sullivan, EPA

Attachment
Eticam Variance

Draft

NDEP may grant requests for a variance from classifying as a solid waste those materials that have been reclaimed but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination is based on the following factors:

1) The degree of processing the material has undergone and the degree of further processing that is required.

(The 50 FR 655 states: "The more substantial the initial processing, the more likely the resulting material is to be commodity-like. Conversely, the more substantial the processing that is yet to occur, the less likely the initially reclaimed material is to be commodity-like.")

List the eight pyrometallurgical facilities that Eticam can ship the material to for reclamation and describe exactly how each facility processes the material. Answer the following questions for each facility:

a) Can the material be fed directly into the process at the pyrometallurgical facility or is further intermediary reclamation or pretreatment required?

b) How much value does final reclamation add?

2) The value of the material after it has been reclaimed.

(The 50 FR 655 states "the more valuable a material is after initial processing, the more likely it is to be commodity-like.")

a) What is the value of the fluxing agents?

b) Does the Eticam material sent to the pyrometallurgical facilities have economic value comparable to the raw material (ore) that normally enters the process?

c) Give figures (examples) of the quantity of metals recovered by the pyrometallurgical facilities and the economic value of the recovered metal. Explain the processing charges billed to Eticam for handling the material. Explain why there usually is a net charge to Eticam for processing the Eticam material and recovering the metal instead of a credit. (See records for Horsehead Resources 1992 & 1993 and Falconbridge 1992 & 1993).

3) The degree to which the reclaimed material is like an analogous raw material.

(50 FR 655 states "If the initially-reclaimed material can substitute for a virgin material, for instance as feedstock to a primary process, it is more likely to be commodity-like.")

(Draft)

a) Does it contain Appendix VIII constituents not found in the analogous raw material? For example, what are the cyanide levels in the material? Explain the charges made to Eticam for not meeting the smelter specifications.

b) Does it exhibit hazardous characteristics that the analogous raw material would not?

c) Does it contain levels of recoverable material similar to the analogous raw material? What is the range of metal content in percent for materials sent to all the smelters?

d) Is much more of the secondary material used as compared with the analogous raw material it replaces? Is only a nominal amount of it used?

e) Is the secondary material as effective as the raw material it replaces?

4) The extent to which an end market for the reclaimed material is guaranteed.

(50 FR 655 states "If the applicant can show that there is an existing and guaranteed end market for the initially-reclaimed material (for instance, value, traditional usage or contractual arrangements), the material is more likely to be commodity-like.")

a) Provide the contracts for all the pyrometallurgical facilities and discuss whether the material is "purchased" by the facilities.

b) Is the initially reclaimed material generated by Eticam recognized commodity? Provide the industry-recognized or pyrometallurgical facility specific specifications for the material.

5) The extent to which the reclaimed material is handled to minimize loss.

(50 FR 655 states "The more carefully a material is handled, the more it is commodity-like.")

No questions at this time.

Record Keeping will be determined.

6) Other relevant factors.

a) What are the economics of the recycling process? Does most of the revenue come from charging generators for managing their wastes or from the sale of the product?

b) Are the toxic constituents actually necessary (or of sufficient use) to the product or are they just "along for the ride."

c) The NDEP letter dated June 17, 1994, required Eticam to submit the following information:

(Draft)

A list of the facilities that receive the Eticam sludge and a brief description of what each facility does with the sludge once received (i.e., is it stored prior to reclamation, how is it reclaimed, what industry buys the reclaimed metals).

d) For calendar year 1993, provide a summary of the following information for all the material sent for reclamation: 1) manifest number, 2) contract or lot number (to be able to cross reference with receipts from smelter) if applicable, 3) date of shipment, 4) total amount shipped (weight), 5) smelter name and date received, 6) treatment date and name of smelter where the metals were recovered, 7) amount (weight) and type of metal(s) recovered at the smelter, 8) amount paid to Eticam for metal credits, 9) amount of charge Eticam paid for processing its material, and 10) net charge or credit to Eticam (add 8 and 9 to get 10).

For purposes of this report, a summary of...